

REMARKS

This is a full and timely response to the Office Action of December 9, 2009. By the present Amendment, claims 1, 9, 10, 18, 19 and 21 have been amended to more particularly and distinctly point out the subject matter of the present invention. Support for the amendments can be found, for example, in the abstract, paragraphs 0016-0025, 0054-56 and 0086-0090 of the present application publication and the related drawings. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

Response to 35 USC § 101 rejections

With regard to the rejection of claims 1-9, 19 and 20 under 35 USC § 101, Applicant has amended the respective independent claims to recite the use of a programmed computer. Applicant respectfully submits that the programmed computer, i.e., the machine, qualifies as statutory subject matter under 35 USC § 101. Thus, all of these method claims are tied to a statutory class (i.e., a programmed computer). With regard to the rejection of claims 10-18, 21 and 22, Applicant has amended the respective independent claims to recite that the claimed components are executed on a computer. Applicant respectfully submits that programs executed on a computer meet the requirements of 35 USC § 101. See *Ex parte Seshadri et al.*, Appeal 2008-2854 (Board of Patent Appeals and Interferences, Feb. 2009). Accordingly, Applicant respectfully requests that the rejection of claims 1-22 under 35 USC § 101 be withdrawn.

Response to 35 USC § 103 rejections

Claims 1-31 stand rejected under 35 USC § 103 in light of Feinberg in view of the MERS Integration Handbook reference. The advantages of the present invention over all of the cited references have been detailed in Applicant's past response as well as in responses and briefs noted in information disclosure statements submitted in the present application.

In addition to incorporating Applicant's past arguments herein, Applicant respectfully submits that the claimed invention, as supported by the attached declaration under 37 C.F.R. 1.132, exhibits commercial success directly resulting from the claimed invention, as well as copying of the claimed invention. The attached declaration is from Daniel R. Morris, the named inventor as well as the founder and CEO of reQuire, L.L.C., and it provides overwhelming evidence of the commercial success of the invention defined by claims 1-31 of the present application. Exhibits D and E to the Morris declaration show specifically that the commercial success of the reQuire system and method is tied directly to the invention defined in the claims. The manual in Exhibit D illustrates, and the brochure in Exhibit E describes, the system elements and method steps that have been used to track the more than 500,000 transactions on behalf of more than two thousand settlement agents since reQuire, L.L.C. was started.

Thus, in addition to submitting that the person of ordinary skill in the art at the time of Applicant's invention would not have found the invention as presently claimed obvious in light of the Feinberg and MERS references, Applicant respectfully submits that it has provided substantial objective evidence to rebut the Examiner's obviousness finding, and respectfully

requests that the 35 USC § 103 rejections in the Office Action of December 9, 2009 be withdrawn.

CONCLUSION

Based on the foregoing, Applicant submits that the present application is in position for prompt adjudication and allowance. Applicant believes that all of the claims currently pending in the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below.

A petition for three-month extension of time is accompanying this response. The Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in payment of the required fees, with the exception of the issue fee.

Respectfully submitted,
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Attached: Petition for 3-month extension of time
Declaration under 37 CFR 1.132 with supporting Exhibits

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